

**REMARKS**

Applicant has carefully reviewed and considered the Restriction Requirement mailed on January 11, 2007. Claims 3 and 7 are amended, claims 1-2, 4-6 and 8-9 are canceled, and claims 10-13 are added; as a result, claims 3, 7, 10-13 are now pending in this application. No new matter has been added.

**Election**

Restriction to one of the following claims was required:

- I. Claims 1 and 2, drawn to a method for detecting aberrant promoter methylation comprising detecting methylation of the PAX5  $\alpha$  gene, classified in class 435, subclass 91.2.
- II. Claims 3 and 4, drawn to a method for detecting aberrant promoter methylation comprising detecting methylation of the PAX5  $\beta$  gene, classified in class 435, subclass 91.2.
- III. Claim 5, drawn to a method of monitoring for cancer comprising detecting PAX5  $\alpha$  gene inactivation, classified in class 436, subclass 63.
- IV. Claim 6, drawn to a method of monitoring for cancer comprising detecting PAX5  $\beta$  gene inactivation, classified in class 436, subclass 63.
- V. Claim 7, drawn to a method of monitoring for cancer comprising detecting PAX5  $\alpha$  gene inactivation comprising using primer sequences which recognize a bisulfite-modified DNA template, classified in class 435, subclass 91.5.
- VI. Claim 8, drawn to a single-stranded DNA primer, namely SEQ ID NO: 1 for PAX5  $\alpha$  gene, classified in class 536, subclass 24.33. Claim 8 will be examined

with this Group to the extent the primer has the specific nucleic acid sequences of  
SEQ ID NO:1.

- VII. Claim 8, drawn to a single-stranded DNA primer, namely SEQ ID No: 2 for  
PAX5  $\alpha$  gene, classified in class 536, subclass 24.33. Claim 8 will be examined  
with this Group to the extent the primer has the specific nucleic acid sequence of  
SEQ ID NO: 2.
- VIII. Claim 8, drawn to a single-stranded DNA primer, namely SEQ ID NO: 5 for  
PAX5  $\alpha$  gene, classified in class 536, subclass 24.33. Claim 8 will be examined  
with this Group to the extent the primer has the specific nucleic acid sequences of  
SEQ ID NO: 5.
- IX. Claim 8, drawn to a single-stranded DNA primer, namely SEQ ID NO: 6 for  
PAX5  $\alpha$  gene, classified in class 536, subclass 24.33. Claim 8 will be examined  
with this Group to the extent the primer has the specific nucleic acid sequences of  
SEQ ID NO: 6.
- X. Claim 9, drawn to a single-stranded DNA primer, namely SEQ ID NO: 3 for  
PAX5  $\beta$  gene, classified in class 536, subclass 24.33. Claim 9 will be examined  
with this Group to the extent the primer has the specific nucleic acid sequences of  
SEQ ID NO: 3.
- XI. Claim 9, drawn to a single-stranded DNA primer, namely SEQ ID NO: 4 for  
PAX5  $\beta$  gene, classified in class 536, subclass 24.33. Claim 9 will be examined  
with this Group to the extent the primer has the specific nucleic acid sequences of  
SEQ ID NO: 4.

- XII. Claim 9, drawn to a single-stranded DNA primer, namely SEQ ID NO: 7 for PAX5  $\beta$  gene, classified in class 536, subclass 24.33. Claim 9 will be examined with this Group to the extent the primer has the specific nucleic acid sequences of SEQ ID NO: 7.
- XIII. Claim 9, drawn to a single-stranded DNA primer, namely SEQ ID NO: 8 for PAX5  $\beta$  gene, classified in class 536, subclass 24.33. Claim 9 will be examined with this Group to the extent the primer has the specific nucleic acid sequences of SEQ ID NO: 8.

Applicant elects Group II (claims 3 and 4) with traverse. Claim 4 has been canceled with the Preliminary Amendment filed herewith. The elements of claim 4 now appear in claim 3.

Claim 3 is categorized in class 435 and subclass 91.2. Similarly claim 7 is classified in class 435 and subclass 91.2. Applicant requests that the Examiner reconsider the Restriction Requirement in light of Applicant's Preliminary Amendment and regroup claim 7 with Group II claims. Applicant believes that it would not be an undue burden for the Examiner to review claim 3 and claim 7 is a single search as both claims are found in the same class 435 and subclass 91.2.

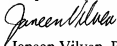
Further, the Examiner is requested to reconsider the restriction requirement of Group VI-XIII claims, as Group VI-XIII claims represent claims depending from amended claims 3 and 7 for primer sequences generically disclosed in the independent claims of 3 and 7 therein. Further MPEP section 804.04 permits up to ten (10) sequences to be examined without creating an undue burden on the Office. (37 C.F.R. 1.141). Therefore, the Examiner is requested to reconsider the Restriction Requirement and examiner claims 3 and 7 in group II and the claims that depend there from.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505 998 6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213.

Respectfully submitted,



Janeen Vilven, Reg. No. 47,156

Direct line (505) 998-6134

PEACOCK MYERS, P.C.  
Attorneys for Applicants  
Post Office Box 26927  
Albuquerque, New Mexico 87125-6927  
Telephone: (505) 998-6134  
Facsimile: (505) 243-2542  
Customer No.: 005179